

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
ANTWAIN MAYS)

No. 3:12-00163
CHIEF JUDGE HAYNES

Amend
This motion
is GRANTED
J. H. H.
RE
10-01-13

MOTION TO AMEND OR CORRECT JUDGMENT

The defendant, Antwain Mays, through undersigned counsel, moves pursuant to Rule 36 of the FEDERAL RULES OF CRIMINAL PROCEDURE, to amend or correct the judgment entered into the record on September 9, 2013, (D.E. 35) to reflect that the sentence of 70 months imprisonment is to commence on September 9, 2013, and is to run concurrently with the state sentence Mr. Mays is presently serving. At the sentencing hearing held on September 9, 2013, the Court, in its oral pronouncement of sentence, ordered that Mr. May's 70 month sentence run concurrently with his state sentence

Rule 36 authorizes the Court to "at *any time* correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." The Court orally pronounced during Mr. May's sentencing hearing that the 70 month sentence was to commence on September 9, 2013, and that this sentence run concurrently with his state sentence. The failure to include this within the judgment order is clearly a clerical error, oversight or omission within the meaning of Rule 36 and the judgment should be corrected accordingly.

Assistant United States Attorney Scarlett Singleton has no opposition to this motion.